



Federal Communications Commission  
Washington, D.C. 20554

SEP 30 1998

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable Phil Gramm  
United States Senator  
2323 Bryan Street, #2150  
Dallas, Texas 75201

Dear Senator Gramm:

This is in response to your letter on behalf of your constituent, Malisa W. Janes, Rh.D., regarding the Commission's implementation of Section 255 of the Communications Act (Section 255), added by the Telecommunications Act of 1996. Section 255 requires that telecommunications equipment manufacturers and service providers must ensure that their equipment and services are accessible to persons with disabilities, to the extent that it is readily achievable to do so. In adopting Section 255, Congress gave the Commission two specific responsibilities, to exercise exclusive jurisdiction with respect to any complaint filed under Section 255, and to coordinate with the Architectural and Transportation Barriers Compliance Board (Access Board) in developing guidelines for the accessibility of telecommunications equipment and customer premises equipment.

The Commission adopted a Notice of Inquiry in September 1996, initiating WT Docket 96-198 and seeking public comment on a range of general issues central to the Commission's implementation of Section 255. The Commission also adopted a Notice of Proposed Rule Making (NPRM) in April 1998, which sought public comment on a proposed framework for that implementation. The NPRM examined the Commission's legal authority to establish rules implementing Section 255, including the relationship between the Commission's authority under Section 255 and the guidelines established by the Access Board in February 1998. The NPRM further solicited comment on the interpretation of specific statutory terms that are used in Section 255, including certain aspects of the term "readily achievable," and the scope of the term "telecommunications services." In addition, the NPRM sought comment on proposals to implement and enforce the requirement that telecommunications equipment and services be made accessible to the extent readily achievable. The centerpiece of these proposals was a "fast-track" process designed to resolve many accessibility problems informally, providing consumers with quick solutions.

It is important to note that the Commission has not issued a final decision regarding any of the proposals suggested in the NPRM. The record in this proceeding closed on

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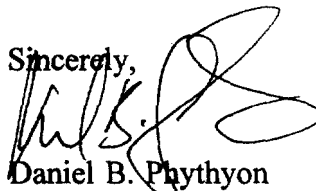
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August 14, 1998, and the Commission staff is currently reviewing public comments. Since the passage of Section 255, the Commission has worked closely with the Access Board and with various commenters to design an implementation framework that best reflects the intent of Congress in adopting Section 255. Your constituent's comments will be included as an informal comment in the record of WT Docket 96-198, and carefully considered, along with the many other comments, before final action is taken on this critically important matter. I appreciate your constituent's input as a way of establishing as thorough and representative a record as possible on which to base final rules implementing Section 255.

The Commission also welcomes Dr. Janes' well-considered remarks concerning telecommunication relay service (TRS) and the use of the 711 dialing code to access TRS operators nationwide. Current Commission regulations require communications assistants (CAs) to display competent skills in typing, grammar, spelling, interpretation of typewritten sign language, familiarity with hearing and speech disability cultures, language and etiquette. In May 1998, the Commission adopted a Notice of Proposed Rulemaking in CC Docket No. 98-67 (TRS NPRM) requesting public comment on certain proposed improvements to TRS, including whether minimum federal standards should be required of CAs. The Commission also specifically addressed the difficulties experienced by TRS users who use computer-driven voice-menu systems (or "audiotext" systems). In the TRS NPRM, the Commission tentatively concluded that its regulations should be amended to allow a CA to alert the TRS user to the presence of a recorded message, and inquire as to whether the TRS user wishes the CA to summarize the message or to listen for specific information, thus allowing a narrow exception to the current requirement that all calls must be related verbatim by the CA to the TRS user. Reply comments in this proceeding were due by September 14. Dr. Janes' comments will be included in the record as part of this rulemaking.

Additionally, in a proceeding regarding the use of N11 numbers, CC Docket No. 92-105, the Commission tentatively concluded that nationwide implementation of 711 for TRS access should occur within three years or less if technically feasible, and sought comment on certain issues related to technical and operational capability, cost, and competition that must be resolved in order to implement the 711 code nationwide. Although the record is closed in this proceeding, Dr. Janes' input will be included as informal comments which will be considered prior to reaching a final decision.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Prythion", with a large, stylized flourish extending from the end of the signature.

Daniel B. Prythion  
Chief, Wireless Telecommunications Bureau

Phil Gramm  
Texas

**United States Senate**

**MEMORANDUM**

Date: 7/28/98

**Federal Communications Commission  
Office of Congressional Affairs  
1919 M Street, NW  
Washington, DC 20554**

A constituent has sent the enclosed communication. A response which addresses his/her concerns would be appreciated.

Please send your response, together with the constituent's correspondence, to the following address:

**Office of Senator Phil Gramm  
2323 Bryan Street, #2150  
Dallas, Texas 75201**

**Attention: Robert Funk  
(214) 767-3000  
(214) 767-8754 (fax)**

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FCC

## The AccommoDator

Malisa W. James, R.H.D.  
2112 West Main - Houston, TX 77098-3317  
Phone (713) 529-8692 TTY - Fax (713) 529-5871

JUL 24 1998  
June 23, 1998

The Honorable Phil Gramm  
340 Russell Senate Office Bldg.  
Washington, D.C. 20510

Dear Senator Gramm,

I am writing to you to let you know that I am very upset. The FCC appears to be undermining the intent of Section 255 of the Telecommunications Act of 1996. That Act specifically addresses the needs of all people with disabilities by making telecommunications equipment and services accessible. I hope you will contact the Chairman of the FCC, William E. Kennard and let him know that you support the intent and full implementation of the Act.

Please request that the FCC:

- 1) Adopt the February 1998 Access Board guidelines for both manufacturers and service providers. We need one set of rules that cover everyone and which clearly define responsibilities and requirements. Hopefully, this will stop much of the confusion that is keeping us from obtaining full communication!
- 2) Adopt the definition of "readily achievable" as a technical ability and gross profit of the entity rather than using a "cost recovery" definition for specific equipment and services. Some equipment and services may never have their cost of development and operation fully recovered since the numbers of primary users are small, but functionally we use this equipment to communicate with their entire body of customers who benefit from our participation in the economy and communities.
- 3) Drop their required approval for a person with disability bringing a legal case against a manufacturer or service provider. As a government entity, the FCC should enforce regulations and remediate complaints within reasonable time limits. This should be accomplished without filing fees being assessed for filing complaints. If the FCC is not able to reach a resolution, people with disabilities should not be denied their right to litigation and approval from the FCC to do so should not be required. I believe that requiring their approval is contrary to our rights as citizens.
- 4) Enter into their rules, as required under Section 255, a requirement of providing "enhanced services". Access to Voice mail and automated voice systems is critical if we are to have access to standard business practice communication. Eliminating them and any other new communications technology or service puts us at a distinct disadvantage in the business world.

You have no idea of how many older people are being sold equipment that is inferior for their needs and how many places are not providing equipment and services that can be used effectively by people who are hard of hearing. I just came back from a trip to Florida to see my mother in a retirement home. I gave a presentation on available technology for people with hearing loss and 95 old folks showed up. I was shock to find they did not know anything about assessing the quality and function of their hearing aids, the availability of telecommunications compatible hearing equipment, or the services that they should be able to access. They do not know what to ask for and get rude treatment because the sales folks

do not know what they need. These senior citizens have drawers full of equipment that does not work as advertised and was not returnable. When they do get equipment that can help them, they don't know how to use it! This is because few of the manufacturers prepare sufficient instructions with their equipment. If manufacturers and service entities were required to provide clear descriptive instructions, many people would not buy the equipment or service. The customers would then know that it does not do the job that the individual needs.

I have had hours of conversations with telecommunications and computer/business equipment sales people who do not understand what it takes to make their equipment "deaf/hearing world friendly". I can't just walk in and purchase a car phone like anyone with hearing. I have tried to get a pager system and found that available equipment is not inadequate for my needs. As Internet media/voice takes over, I am finding I am being cut off from many things.

Equipment manufacturers and suppliers must become more sensitive and responsible. Most seem to think it will cost them money, but often it is just lack of awareness. For example, I had unbelievable problems finding a Fax machine that did not require that I hear in order to operate it. When the one I first purchased would not work, the service personnel asked me if I had a dial tone - I said, "I am deaf. How can I tell by looking at your machine if there is a dial tone?" He said, "You can't." A simple and cheap solution would be to require a red light on all Fax machines to show there is a dial tone. When I contacted the telephone company, I found the Fax line had been out of order for over a week and that I had to wait ten days to get it repaired. I am sure this negatively effected my new business!

I have spoken with my telephone company about purchasing some of their special functions. They tell me if I put a phone on I can have it - but if I put a TTY on the line it won't work. They say, "It's not our problem you can't access our services, it's yours because you are putting the wrong equipment on the line to get that service". I asked them what equipment would work and they said none that they knew of. Why shouldn't I be able to have the same services as everyone else?

My biggest frustration is the Relay system that is used throughout the country. It was designed and services are provided in an inadequate way to serve people with hearing loss. Each state has a different phone number that I must find to make a phone call. Their relay equipment is neither as "trouble free" as regular phone equipment, nor does it function as efficiently. I spend 4 times as many hours making TTY business calls as it took me on the phone. Inadequate TTY telecommunication equipment interfaces, system slowness, faulty equipment, and unskilled operators are an all too frequent occurrence. Where is the automated technology that is used for many other systems?

To be safe when I am driving out of state, I take my own portable TTY (cost \$300 dollars), as no TTY's are available at the rest areas. If I find a phone so I can use my portable TTY I still may not be able to make a call since there is seldom a phone book and I can't get the relay number for that state without it. If I dial 0 for operator assistance I can't hear her to get the relay number. Why in the world can't the Operator respond to a TTY with help or information? Why can't we dial 711 nationally and not have relay centers say you can only be served by a relay within the state?

When I go to the airport I have to bend over almost to my knees to type because the phone company has installed the TTY below the wheelchair phone (about 24 inches off the floor). Many people hang up on me because they think Deaf Relay is a telemarketing call. There surely have to be ways to provide services and equipment that would not result in our constantly being publicly embarrassed and abused.

Manufacturers and service providers need to develop automation that addresses the inadequacy of the business phone systems. They currently keep me redialing their "push one" "push two" messages over and over until I get all the verbal commands. (The typist can't possible type the commands as fast as the

voice speaks.) Voice mail is a nightmare requiring multiple dial backs with no way to know if you got the full message on before being cut off. Information lines talk too fast to get any information. Why can't the messages be put into high-speed TTY transmission automatically when a TTY calls? Why can't the phone accept a TTY number being pushed to get the right department without redialing many times?

I tried to register for a community college course by phone, but of course you could not do it from a TTY or through a relay operator. That meant that I either had to drive 45 minutes to the college to register or call the dean's office and request special services. (I always end up having to be a "bad apple", as they didn't want to enter the information for me without my citing my rights under the A.D.A.) Whoever set up their system should have been required to provide an alternative method for phone registration if their technology was inadequate to respond to a TTY.

The list of frustrations and inadequacy in the current equipment and services could go on and on! Without your help in assuring truly functional and equitable communications, people with disabilities will continue to lag behind and be discriminated against in business and educational opportunities. As our senior citizen group becomes larger this is going to be an even greater problem. We need to have help in developing a really good and efficient system and cutting edge compatible equipment now.

I greatly appreciate your intervention with the FCC and your help in developing accommodations that let all people with disabilities be active participants in our society.

Sincerely,

A handwritten signature in cursive script, appearing to read "Malisa W. Janes".

Malisa W. Janes, R.H.D.